

# THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE

## EXECUTIVE ORDER NO. 2004-05

### IDAHO CODE OF FAIR EMPLOYMENT PRACTICES, REPLACING EXECUTIVE ORDER NO. 00-09

---

*WHEREAS, the United States through its Constitution, laws, executive orders, and regulations has declared that all persons are to be treated fairly and equally; and the State of Idaho is committed to fulfilling that federal mandate; and*

*WHEREAS, the Legislature of the State of Idaho by Title 44, Chapter 17, and Title 67, Chapter 59, of the Idaho Code has declared that employment discrimination based upon race, color, national origin, religion, disability, sex, or age is illegal; by Title 56, Chapter 7, that the disabled shall be free from employment discrimination in public service; and by Title 65, Chapter 5, that veterans are to be given preference by public employers; and*

*WHEREAS, every Idahoan should be provided the opportunity to fully develop and use his/her talents. When we allow race, color, religion, national origin, sex, age, and disability to prevent anyone from reaching full potential, we fail that person, our state, and our country. In accordance with the principles of fair employment practices, we must strive to recognize and advance the abilities and talents of all people, while denying no individual his/her rightful opportunities; and*

*WHEREAS, we must assume our citizen-granted role of leadership in the protection of freedom for all citizens; and we must serve in that leadership role as a model for government, business, industry, labor, and education in this regard;*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, in that spirit and to that purpose, do hereby proclaim the following Idaho Code of Fair Employment Practices shall continue to be the governing policy throughout every department of the Executive Branch of Government of the State of Idaho.*

#### *ARTICLE I--Employment Policies of State Agencies*

*State employees shall be recruited, appointed, assigned, and promoted upon the basis of individual merit, in accordance with the principles of fair treatment and non-discrimination on the basis of race, color, sex, religion, national origin, age, or disability. Veterans are to be given preference in accordance with applicable state and federal laws and regulations.*

*All state departments, commissions, and boards are directed to review their present Human Resource policies and practices regarding recruitment, appointment, promotion, demotion, transfer, retention, discipline, separation, training, and compensation to assure compliance with this Executive Order. They shall regularly review present state and federal laws and regulations and implement procedures to assure equal opportunity for minorities and women, and to comply with affirmative action obligations for individuals with disabilities, and qualified veterans within the state workforce.*

*The Division of Human Resources shall take positive steps to ensure that the entire examination process; oral, written, and ratings, shall be free from either conscious or inadvertent bias. State agencies shall give wide distribution of notice of employment opportunities so that all citizens may be fully advised of career opportunities in state government. Employment announcements issued by state agencies shall include a statement such as, "The State of Idaho is an Equal*

*Opportunity Employer. In addition, preference may be given to veterans who qualify under state and federal laws and regulations."*

#### *ARTICLE II--State Action*

*All services of every state agency shall be performed without discrimination based on race, color, religion, national origin, sex, age, or disability. No state facility shall be used in furtherance of any discriminatory practice nor shall any state agency become a party to any agreement, arrangement, plan, contract, or subcontract which has the effect of sanctioning such practices.*

#### *ARTICLE III--State Financial Assistance*

*Race, color, religion, national origin, sex, age, or disability shall not be considered in state-administered or sponsored programs involving the distribution of funds to qualified recipients for benefits authorized by law; and state agencies shall not provide grants, loans, or other financial assistance to public agencies, private institutions, or organizations which engage in discriminatory practices.*

#### *ARTICLE IV--State Employment Services*

*All state agencies, including educational institutions, which provide employment referral or placement services to public or private employers, shall accept job orders and applications on a non-discriminatory basis. They shall refuse to fill any job order designed, either consciously or inadvertently, to exclude any person from employment because of race, color, religion, national origin, sex, age, or disability except where a bona fide occupational qualification has been established.*

#### *ARTICLE V--State Education, Counseling, and Training Program*

*All educational counseling and vocational guidance programs, employment and training programs, policy declarations and staff services of state agencies or those in which state agencies participate, shall be open to all qualified persons, without regard to race, color, religion, national origin, sex, age, or disability.*

#### *ARTICLE VI--Cooperation with Idaho Human Rights Commission*

*All state departments shall cooperate fully with the Idaho Human Rights Commission if state employees or applicants for state employment file complaints with the Commission. They shall also utilize the services of the Commission when needing technical advice regarding compliance with the equal employment opportunity provisions of Title 67, Chapter 59, Idaho Code. The Commission shall act as a referral agency for information or complaints concerning discrimination in certain protected classes not covered by Title 67, Chapter 59, Idaho Code.*

#### *ARTICLE VII--Enforcement by Appointing Authorities*

*The head of each state executive department shall be responsible for carrying out the policies of this Idaho Code of Fair Employment Practices and shall inform and educate all commission and board supervisory personnel regarding its intent and spirit. They shall establish clearly written directions to carry out this policy. Upon a showing of credible evidence to the appropriate appointing authority that any officer or employee of the state has violated any of the provisions of this Executive Order or any applicable state or federal law or regulation, the appointing authority shall take appropriate disciplinary action.*

*Every appointing authority shall be responsible for the development of a complaint procedure to be used by employees and recipients of state services who believe they have been subjected to harassment. This policy shall include at least the following: (1) a statement defining and forbidding harassment of any nature, (2) an investigative procedure designed to protect the confidentiality of participants wherever possible and to effect a timely and fair resolution of the allegation, and (3) a statement advising employees and service recipients of their rights to raise this issue with appropriate governmental agencies and the courts. The Idaho Human Rights Commission and the Division of Human Resources shall assist in the development of these policies.*

#### *ARTICLE VIII-- Fair Employment/Affirmative Action Oversight*

*The agency charged with overseeing the review of the state's Equal Employment and Affirmative Action planning shall be the Division of Human Resources under the Executive Office of the Governor. The Division will consult with appointing authorities and report to the Governor on the State's fair employment practices, including Equal Employment Opportunity and Affirmative Action compliance efforts on an annual basis.*

*This Executive Order repeals and replaces Executive Order No 00-09.*

*This Executive Order shall cease to be effective four years after its entry into force.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on the 6th day of October in the year of our Lord two thousand and four and of the Independence of the United States of America the two hundred twenty-ninth and of the Statehood of Idaho the one hundred-fifteenth.*

A handwritten signature in black ink, reading "Dirk Kempthorne".

---

DIRK KEMPTHORNE  
GOVERNOR

A handwritten signature in black ink, reading "Ben Ysursa".

---

BEN YSURSA  
SECRETARY OF STATE